

yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 88, nays 12, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—88

| | | |
|-----------|------------|-------------|
| Akaka | Durbin | McConnell |
| Allard | Edwards | Mikulski |
| Allen | Ensign | Miller |
| Baucus | Enzi | Murkowski |
| Bayh | Feinstein | Murray |
| Bennett | Fitzgerald | Nelson (FL) |
| Biden | Frist | Nelson (NE) |
| Bingaman | Graham | Nickles |
| Bond | Gramm | Reed |
| Boxer | Grassley | Reid |
| Breaux | Gregg | Roberts |
| Brownback | Hagel | Rockefeller |
| Burns | Harkin | Santorum |
| Cantwell | Hollings | Sarbanes |
| Carnahan | Hutchinson | Schumer |
| Carper | Inhofe | Shelby |
| Chafee | Inouye | Smith (OR) |
| Cleland | Jeffords | Snowe |
| Clinton | Johnson | Specter |
| Collins | Kennedy | Stabenow |
| Conrad | Kerry | Stevens |
| Corzine | Kohl | Thomas |
| Craig | Kyl | Thompson |
| Crapo | Landrieu | Torricelli |
| Daschle | Leahy | Voinovich |
| Dayton | Levin | Warner |
| DeWine | Lieberman | Wellstone |
| Dodd | Lincoln | Wyden |
| Domenici | Lugar | |
| Dorgan | McCain | |

NAYS—12

| | | |
|----------|-----------|------------|
| Bunning | Feingold | Lott |
| Byrd | Hatch | Sessions |
| Campbell | Helms | Smith (NH) |
| Cochran | Hutchison | Thurmond |

The joint resolution (H.J. Res. 51) was passed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**UNANIMOUS CONSENT REQUEST—
S. 1447**

Mr. DASCHLE. Mr. President, I have been in consultation with the distinguished Republican leader. I appreciate the advice we have been given on all sides with regard to how to proceed on the airport security bill. I don't know that we have reached a consensus, but I do think it is important for us to procedurally move forward with an expectation that at some point we are going to reach a consensus.

At this point, I ask unanimous consent that the Senate now proceed to consideration of S. 1447, the aviation security bill.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, first let me say to our colleagues, Senator DASCHLE and I have been talking about this issue, along with antiterrorism, off and on for the last week or 10 days. We are committed to dealing with those two important issues as soon as is humanly possible because we believe, I believe, strongly that aviation security needs to be addressed. The administration has a lot of things it can do and is doing. Secretary Mineta has outlined things he is proposing to do in terms of sky marshals and strengthening the cockpits and a number of areas where they can move forward without additional legislative authority. Some of the things that need to be done will require additional legislative action.

This is one of the two highest priority matters we need to address that would be positive for the American public to feel more secure in flying, get flying back up to where it should be. Along with antiterrorism, which will allow us to have additional authority for our law enforcement people and intelligence to address this threat, it is the highest possible priority.

I agree with Senator DASCHLE that we should find a way to consider aviation security, but there are two or three problems. I am going to be constrained to have to object because there are two or three objections on this side that come from a variety of standpoints at this time.

There is some concern that it did not go through the Commerce Committee for the traditional markup so that other good ideas could be offered, but they could, of course, be offered when the bill is considered. And there are some concerns about the federalization of the screening, the bifurcated arrangement between urban hubs and nonurban hubs. Those that are nonurban hubs want to make sure they will not be given second-class service in that area.

There is also a concern about what may be added to this bill from any number of very brilliant Senators, very good ideas that are not relevant at all to this issue.

Some of them could relate to energy, about which I feel very strongly. Some of them could relate to Amtrak, about which I also feel very strongly. But this is about aviation security. We should have an understanding about how we deal with the displaced workers issue, how do we deal with the Amtrak security issue, and other issues. If we do that, this very important issue will begin to sink of its own weight.

We have, over the past 3 weeks, done good work in a nonpartisan, bipartisan way. But we addressed the issues that needed to be addressed, maybe not perfectly but we took action. I believe the American people have appreciated that.

We should continue to find a way to make that happen. We are not ready for consent right now, partially because Secretary Mineta will be here in 20 minutes to meet with Senator HOLLINGS, Senator MCCAIN, Senator HUTCHISON, Senator ROCKEFELLER, and others, to talk about some specific recommendations the administration would like to make. I also understand that there will be a specific recommendation as to how to proceed on the dislocated workers or the employees issue that perhaps will be discussed with Senator DASCHLE and me and others within a short period of time.

So I think all of these are very important. But for now, unless we could get an agreement that we would limit this to relevant amendments, which would knock out a number of these side issues that are floating around, then we would have to object at this time.

I understand that Senator DASCHLE will then be inclined to file a motion to proceed, and that would require a vote on the motion to proceed—we will have to talk through exactly what is required—either on Friday or next Tuesday. In the interim, I hope we will work, as we have in the past, to find a way to get a focus and to get aviation security addressed.

I know Senator HOLLINGS wants to do that. He doesn't want nonrelevant amendments. He is willing to work with Senators on both sides to make that happen. I know Senator MCCAIN is very intent on getting a focused aviation security bill. I believe we can make it happen, but we need a little bit more time to pursue understandings of how that would happen.

Let me inquire of Senator DASCHLE. I presume at this time that the Senator would not be prepared to agree to limit this to only relevant amendments. Is that correct?

Mr. DASCHLE. Mr. President, if I may respond to the Republican leader, first, I agree with virtually all he has said. There is an urgency to the airport security bill that dictates that we come to the floor this afternoon. I know Senator HOLLINGS, Senator MCCAIN, and others have spent a good deal of time working in concert with experts and with others to reach the point that they have in bringing this bill to the floor right now. Earlier today, I made the announcement that we were going to take up airport security first and counterterrorism second, and that my hope was that we could take up counterterrorism as early as Tuesday. That may not now be the case.

I don't know that there are two more urgent pieces of legislation than these two bills that are virtually ready to go. Obviously, that doesn't mean because these two bills are urgent, that there is no other urgent matter related to the tragedy that has to be addressed. The

question is, How many vehicles do you have, given the very serious limitation on time? Senator LOTT and I have spent a lot of hours, working late into the night trying to pre-conference some of this. But a lot of our colleagues, understandably, say, "What about us? We want to participate. We have amendments that are good ideas that we would like to offer."

So acknowledging that some of these matters cannot be pre-conferenced, our only option is to come to the floor. Then our only option is to hear out other ideas, as Senator LOTT suggested. Some are directly relevant to airport security, and some have to do with the tragedies that millions of Americans are facing in that they no longer have a job, they no longer have health insurance, they no longer have the ability to cope any more than the airlines had an ability to cope a week ago. So there is an urgency to addressing their crises as well.

One Senator on the floor just now noted that we are probably a stone's throw away from a railroad tunnel that could be every bit as much in jeopardy and in danger as any airport today. There is an urgency to railroad security that we have to address. The question is, Do we have to take up each one of these bills separately and address them individually or can we do what the Senate has always done as we look at issues, which is address them in the most collective way, asking for people to be disciplined, cooperative, and to understand the urgency and to understand that this is a different day? We are in a crisis situation. I am as much for ensuring that everybody has an opportunity to be heard as is possible. But we need to recognize that the whole country is watching, the whole country is expecting us to respond, as we have so far.

So I am disappointed, frankly, that we are not able to get agreement to go to this bill and debate issues that are of import to the country, not just to any particular Republican or Democrat. So we will file cloture and recognize that there will be another time when these bills and amendments are going to be considered. I hope that in working as Senator LOTT and I have, together with all of the cooperation we have been given these last 3 weeks, we can work through these difficult questions. I am still confident that we can, even though we may have hit a temporary snag.

Mr. LOTT. Mr. President, if I might respond, and then I will yield because I know the chairman and ranking member want to comment, too, I think what Senator DASCHLE is saying is that he would not be able to agree to limit it only to relevant amendments now. But there is another option here, and that is for us as Senators to focus on aviation security and not put all of our very best ideas on this particular bill.

If we could do that, we could complete this legislation tomorrow. We would have aviation security done tomorrow. Senator HOLLINGS and Senator MCCAIN would be happy. I would like to have a different approach to screening, but I am prepared to debate and vote on that.

If it goes beyond that, the option for ideas—good ideas—and alternatives and unrelated and nonrelevant amendments, it could go on and on. I think maybe we can get this worked out this afternoon. If we do not, it guarantees that instead of being on the counterterrorism legislation on Tuesday, we will be on this, and counterterrorism will be shoved off another day or 2 or 3. That is not disastrous because we want to make sure we do them both right, but for the sake of getting this done, I plead to my colleagues on both sides of the aisle, let's find a way to agree to do aviation security and to do these other issues that are also important.

Regarding Amtrak, everybody in this Chamber probably knows—and Senator MCCAIN knows it and doesn't like it—I have been a big supporter of Amtrak. I am interested in making sure that it is safe and secure and that we have a viable Amtrak system, but we should not do it on this bill.

So I have to object at this time to the unanimous consent request. I understand Senator DASCHLE will be prepared to offer a motion to proceed and file cloture on that.

Mr. DASCHLE. Mr. President, before I file the cloture motion, let me yield to the distinguished Senator from South Carolina first, and to the Senator from Arizona second.

Mr. HOLLINGS. I thank the leader. The leaders, in all candor, have worked around the clock to get the disparate interests on this issue together so that we can decide on what we can agree upon rather than what we disagree upon. In that light, let me thank the majority and the minority leaders for their perseverance in helping us get this bill up.

It is fair to say I am as interested in this issue as the previous speakers. We have been working very hard on this issue. We just had a Commerce subcommittee hearing on rail and maritime security all day long yesterday. We are ready to go with the airline security bill. But there are some differences of views; similarly, with respect to the economic stimulus, and also with respect to the unemployment benefits bill. In fact, you can bring this bill up and, unless it is relevant, you can add Lawrence Welk's home to this measure, and so forth. We know what the rules of the Senate are. But it is going to be embarrassing if we leave for the weekend having agreed on money, but not on security. We should have put airline security ahead of money to bailout the airlines. But the

K Street lawyers overwhelmed us. They were down here and we got billions to keep the airlines afloat. But, by gosh, we can't agree on taking up this airline security measure so that we can keep them in business. So we intentionally put them out of business by delaying implementation of a meaningful security measure.

We are not having votes on Friday; we are not having votes on Monday. Unless we can get this thing up this afternoon it is not likely to pass before the weekend. Someone commented that when we considered this matter in the Commerce Committee, we started at 9 o'clock and we got through at quarter to 7 that evening with only a half hour out. We had a full day's hearing and unanimously voted this bill out of committee. The bill is flexible. It was mentioned that the Secretary of Transportation is coming over with views from the White House. We are willing to go along with any reasonable compromise from the administration. What we are trying to do is get security. We are not trying to pass your bill in spite of our bill, or whatever.

We are going to meet at 3 o'clock. I hope the two Senate leaders will try to get together and work out this dispute. Senator MCCAIN has been a leader on this. We have agreed on the details. There are a few little differences. But let's get together with the leadership and get this measure up so that we can go home this weekend at least having taken care of security, and then we can move to counterterrorism and unemployment benefits later.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DASCHLE. I still retain the floor for purposes of making a motion, but I yield to the Senator from Arizona first.

Mr. MCCAIN. Mr. President, I thank Senator LOTT and Senator DASCHLE for the efforts they are making to try to bring this measure forward. I especially thank Senator HOLLINGS. He has agreed, along with me, that we would oppose any nonrelevant amendments to this legislation. That is an important commitment on the part of Senator HOLLINGS. I know how he feels about Amtrak and about seaport security and a number of other issues. I thank Senator HOLLINGS for that.

Briefly, if we now wait, as Senator HOLLINGS said, until cloture is voted on Friday, and we surely can't act until Monday, and we are not going to be in on Monday, we are well into next week. Last week, we passed legislation to keep the airlines afloat financially. Millions of Americans still will not fly on airliners because they don't believe they are safe. That is a fact.

When Americans know that the Congress of the United States has acted in a bipartisan fashion, with the support of the President of the United States, to take measures to ensure their security, that will be the major step in restoring the financial viability not only

of the airlines but of America because we are dependent on the air transportation system in order to have an economy that is viable.

I am happy to say that the airlines are totally supportive of this legislation. They want it enacted right away. They believe it is vital for their future viability.

Finally, the fact that it didn't go through the Commerce Committee, the chairman and I are not too concerned about that. I think we are fairly well known to be conscious of that. As far as the screening issue is concerned, that is why we have debate and amendments. We will let the majority rule. That is relevant to the bill. Again, about provisions being added, I don't think any Member of this body is going to try to add an amendment that would be perceived as blocking airline security, including the Senator from Massachusetts, who is very concerned about the issue of Amtrak.

I hope the two leaders will continue working together. We will meet with Secretary Mineta and hear for the first time the views of the administration on this issue. I hope that by the time that meeting is over, we will have an agreement so we can move forward.

Lots of Members are involved in this issue. Lots of Members want to talk about it. Lots of Members are involved in it, so we are going to have to have a lot of discussion on this issue. The sooner we move forward, the sooner we are going to get it done. As Senator HOLLINGS said, we can get this bill passed by tomorrow afternoon if we all work at it, but if we wait over the weekend, I do not think it is the right signal to send. I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DASCHLE. I yield briefly to the Senator from California.

Mrs. BOXER. Mr. President, I believe as strongly about railroad security and airport security as I do airline security, but we need to move on this particular bill. To put it in personal terms, every one of those jets that were hijacked were headed to my State with light loads and heavy fuel, and those passengers were sacrificed.

We need to move forward. We need the air marshals. We need the funds to pay for them. We need the screeners and everybody else. Even though the bill did not officially go through the committee, I praise Chairman HOLLINGS and ranking member MCCAIN because, in fact, they led that committee through some amazing hearings. I think this bill is a terrific first step. I yield the floor.

The PRESIDING OFFICER. The majority leader.

AVIATION SECURITY ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I move to proceed to the consideration of S. 1447 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 166, S. 1447, a bill to improve aviation security:

Blanche Lincoln, Harry Reid, Ron Wyden, Ernest Hollings, Herb Kohl, Jeff Bingaman, Jack Reed, Hillary Clinton, Patrick Leahy, Joseph Lieberman, Jean Carnahan, Debbie Stabenow, Byron Dorgan, John Kerry, Thomas Carper, Russ Feingold.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me go right to the heart of airport security. I had the most unique experience earlier today with El Al officials who came to the Committee on Commerce and reviewed in detail their security provisions for Israel's airline. They have not had a hijacking in the last 20 to 25 years.

I do not want to necessarily single them out other than to say that the officials present included, the regional director for the North America and Central America Israeli Security Agency and the head of the Israeli Security Agency of the Aviation Department. We also had the chief of security for El Al Airlines, and the top captain of El Al Airlines visit with us.

The four gentlemen went through in detail the Israeli airport security program. It was an eye opener for me. I have been working on this issue since the eighties when Pan Am Flight 103 went down over Lockerbie, Scotland. I was insisting then that we have federalization of security at our airports and on our airplanes. I was in the minority.

With respect to TWA Flight 800, in 1996 it was the same, and we had bill upon bill and measure upon measure and study upon study, more training, more this, more that, a particular officer in charge, the Vice President Gore study. None of this made a difference. Of course, the hijackers still flew the planes into buildings in America and killed 6,000 people.

I borrowed this diagram from the Israeli delegation. This particular diagram is entitled "Onion Rings Security Structure." The security in Israel and El Al Airlines brings into sharp focus that security is not a partial operation. Security is not part private contract and part governmental. As has been

said for years, the primary function of the State government—and a former distinguished Governor is occupying the Chair—is public education, and the primary function of the National Government is national defense. We have gone now from, in a sense, international defense to national defense, homeland security. That is our primary function.

There is no difference in safety and security. We would not think for a second of privatizing the air traffic controllers. I agreed with President Reagan. He said: You are not striking; you are staying on the job. We are going to have, in a sense, security and safe flights.

This diagram starts with the outer rim of intelligence. The second rim is in the airport. The third rim is the check-in area. The fourth rim is the departure gate. The fifth ring is cargo, and the next two rings are the airport area and the aircraft itself.

They Israeli officials were asked: How about somebody who vacuum cleans the aircraft aisles and in between the seats? They have 100-percent security checks. Point: There is no such thing as a low-skilled job in security. As a matter of fact, they periodically rotate security officers to different postings. They found out, like we found out with the Capitol Police that rotations make a difference in the effectiveness of our security personnel. We do not have the Capitol Police sit in the same spot from early morning until their 8 hours are up just looking at the screen as the tourists come into the Nation's Capitol. The officer does that for about 4 hours, and then they swap him off to another post.

The Israeli security officials keep their airport personnel alert, they keep them well paid, they keep them well trained, and they keep them well tested.

The El Al folks were telling me that they make 150 annual security checks at Israel's airports. They try to sneak vicious items through security like a knife or a metallic object resembling a bomb. Of course, it is not a real bomb. The airports are not given a check in January and then they wait until the next January to check again. They have intermittent checks throughout the entire year.

By way of emphasis, in that check-in area they confer with intelligence. Intelligence confers with them. Intelligence will tell them, for example, if you have ever been down to Tijuana, they have certain entities down in Mexico that can really plagiarize, copy, an immigration pass. They know when they come from certain areas what passes to look at. In fact, they have them on a board there because I have been down there and checked with the Immigration Service, in a similar fashion.

Intelligence can say: Wait a minute, if they come from this area, we found